

## PATENT

Attorney Docket No. VISX-001/00US  
*#17*

I hereby certify that this correspondence is being transmitted by facsimile addressed to Examiner Karin Tyson, Art Unit Not Assigned, Facsimile Number (703) 308-6916, at United States Patent and Trademark office, Washington, D.C. 20231, at 4:12 p.m. on April 4, 1997

Date: 4/4/97By: Susan M. Mason

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	U.S. Patent No. 4,718,418	)	Examiner: Karin Tyson
Issued:	January 12, 1988	)	Art Unit: Not Assigned
To:	Francis A. L'Esperance, Jr.	)	
Serial No.:	06/916,646	)	TRANSMITTAL OF EXPRESS WITHDRAWAL UNDER 37 CFR 1.770 FOR APPLICATION FOR EXTENSION OF PATENT TERM UNDER 35 U.S.C. 156
Filed:	October 8, 1986	)	Palo Alto, CA 94306
For:	APPARATUS FOR OPHTHALMOLOGICAL SURGERY	)	

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is an Express Withdrawal Under 37 CFR 1.770 for an Application for Extension of Patent Term Under 35 U.S.C. 156 in the above-identified application.

No fee is required.

Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

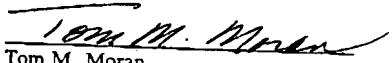
[X] Any filing fees under 37 CFR 1.16 including fees for the presentation of extra claims.

[X] Any patent application processing fees under 37 CFR 1.17.

A duplicate copy of this sheet is attached for accounting purposes.

Respectfully submitted,

COOLEY GODWARD LLP

By:   
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**PATENT**

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Assistant Commissioner for Patents  
Box Patent Ext.  
Washington, D.C. 20231

Sir:

On November 27, 1995 applicant, VISX, Inc. ("VISX") filed an application for extension of Patent term under 35 U.S.C. 156. Applicant, through its undersigned agent, wishes to expressly withdraw said application. It is therefore requested that the application be withdrawn from consideration and that the expiration date of US Patent 4,718,418 remain the same as it would be had this application not been made. Thus the expiration date of the '418 patent will be 17 years from the date of the issuance of the patent i.e., January 12, 2005.

**FAX RECEIVED**

APR - 4 1997

**PETITIONS OFFICE**

21286122

This express withdrawal is submitted under 37 CFR 1.770 prior to the date for response to the final determination on the application.

I hereby declare that all statements are made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

Date: April 4, 1997

Tom M. Moran  
Tom M. Moran  
Reg. No. 26,314  
Attorney for Applicant